

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE AGUILAR VALENCIA,

Defendant.

CASE NO. CR15-0202-JCC-1

ORDER

This matter comes before the Court on Defendant's motion for a reduction in sentence (Dkt. No. 459). Having considered the briefing and the relevant record, the Court DENIES the motion for the reasons explained herein.

Defendant was sentenced to a custodial term of 144 months for conspiracy to distribute controlled substances (Count 1) and conspiracy to commit money laundering (Count 14). (*See* Dkt. Nos. 245, 317.) Defendant now asks for a reduction in sentence pursuant to Amendment 821 to the United States Sentencing Guidelines ("USSG"). (*See* Dkt. No. 459.) The request is based on the Sentencing Commission's change to the calculation and application of status points to an offender's criminal history category. (*Id.* at 2.)¹

To qualify for a sentence reduction, amongst other requirements, it must be consistent

¹ The amendment reduced or eliminated status points in certain instances. *See* USSG Amendment 821, Part A.

1 with the Sentencing Commission's applicable policy statements. 18 U.S.C. § 3582(c)(2); *see*
2 *United States v. Waters*, 771 F.3d 679, 680 (9th Cir. 2014) (per curiam). And according to the
3 current version of section 1B1.10(a)(2)(B), a sentencing court is not authorized to reduce a
4 defendant's sentence when a retroactive amendment does not result in a lower applicable
5 sentencing range.

6 Here, Defendant's sentencing range is not altered by Amendment 821. This is because,
7 while his criminal history category moves from IV to III, his guideline sentence remains the
8 same—life. USSG Ch. 5 Pt. A Sentencing Table (offense Level 43 at Category III); *see* 18
9 U.S.C. § 3582(c)(2). Additionally, Defendant fails to qualify as a zero-point offender because he
10 received criminal history points from Category Four, Part A. (*See* Dkt. No. 304 at 8–9.)
11 Accordingly, Defendant's motion for a reduction of his sentence (Dkt. No. 459) is DENIED.

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13 DATED this 20th day of June 2024.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE